

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: TERRY D. JOHNSON AND	{	CHAPTER 13
SHANNON M. JOHNSON,	{	
	{	
DEBTOR(S)	{	CASE NO. R19-40692-PWB
	{	
	{	JUDGE BONAPFEL

OBJECTION TO CONFIRMATION

COMES NOW MARY IDA TOWNSON, TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor(s)' payments under the proposed plan are not current.

2. The Debtor(s) may not be eligible for relief under Title 11 because the Debtor has not filed a certificate stating that the Debtor has obtained a briefing from an approved non-profit budget and credit counseling agency within 180 days preceding the date of filing as required by 11 U.S.C. Section 109(h).

3. The Debtor(s) has failed to provide the Trustee with a copy of the federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e)(2)(A)(i).

4. The Chapter 13 budget fails to reflect the Debtor(s)' adoption assistance income of \$1,200.00 per month, bonus proceeds received in April, 2019 of \$8,000.00 and additional bonus income; thereby preventing the contribution of all disposable income to this plan.

5. The Form 122C filed in this case fails to disclose all of the Debtor's income in the six months preceding the filing of this case; specifically, adoption assistance not disclosed.

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6. The Debtor(s)' plan does not provide for payment of all of the Debtor(s)' disposable income to the Trustee for thirty-six (36) or more months as required by 11 U.S.C. Section 1325(b)(1)(B).

7. The Debtors have not filed copies of all payment advices or other evidence of payments received within sixty (60) days before the date of the filing of the petition as required by 11 U.S.C. §521(a)(1)(B)(iv) and Rule 1007(b)(1)(E) F.R. Bankr. P.

8. The Chapter 13 petition fails to include a debt owed to W.S. Badcock Corporation, in violation of Bankruptcy Rule 1007(a)(1) and 11 U.S.C. Section 1325(a)(3).

9. The proposed plan fails to provide for the treatment of W.S. Badcock Corporation. However, said creditor has filed a secured claim.

10. The Debtor(s)' Chapter 13 plan and schedules are inaccurate and/or incomplete; the Trustee is unable to determine either the duration or feasibility of the proposed plan. 11 U.S.C. Sections 1322(d) and 1325(a)(6); specifically, Schedule C is incomplete.

11. The Form 122C-2 appears to claim an incorrect amount for line item 13(e).

12. The Chapter 13 Plan fails to provide for the correct applicable commitment period, in violation of 11 U.S.C. Section 1325(b)(1)(B) and 1325(b)(4).

13. The Debtor(s)' Schedule I fails to accurately reflect insurance deductions thereby preventing the Chapter 13 Trustee from determining the feasibility of the proposed plan, in violation of 11 U.S.C. Section 1325 (a)(6).

15. Section 3.2 of the proposed Chapter 13 plan should be amended to clarify the value of collateral and amount of secured claim of LGE Community Credit Union as the amounts are conflicting.

14. The payout of the claim(s) owed to LGE Community Credit Union will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d).

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WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny confirmation of this Debtor's(s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

May 22, 2019

_____/s_____
Albert C. Guthrie, Esq.
for Chapter 13 Trustee
GA Bar No. 142399

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CERTIFICATE OF SERVICE

This is to certify that on this day I caused a copy of the foregoing pleading to be served via United States First Class Mail, with adequate postage thereon, on the following parties at the address shown for each:

DEBTOR(S):

TERRY D. JOHNSON
630 BIG SPRINGS RD, SE
CALHOUN, GA 30701-4204

SHANNON M. JOHNSON
630 BIG SPRINGS RD, SE
CALHOUN, GA 30701-4204

I further certify that I have on this day electronically filed the pleading using the Bankruptcy Court's Electronic Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

SAEGER & ASSOCIATES

This 22nd day of May, 2019

_____/s_____
Albert C. Guthrie, Esq.
for Chapter 13 Trustee
GA Bar No. 142399

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